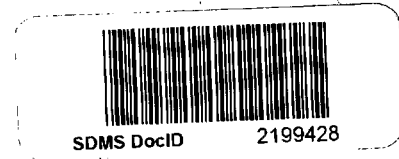


ORIGINAL



Kenneth Rose
Financial Analyst (3HS62)
U.S. Environmental Protection Agency – Region III
1650 Arch Street
Philadelphia, PA 19103-2029



RE: Metro Container Site, Trainer PA
Amtrak Response to EPA Request for Information
Supplemental Response

Dear Mr. Rose:

In our response to you dated May 15, 2012, Amtrak indicated that we would supply EPA with additional information concerning records retention and destruction. This letter supplies that supplemental information to Question 13 of the EPA Request.

13. As indicated in our earlier response, Amtrak could find no documentation concerning Metro Container at all in our files, including the information previously provided to EPA in 1988. We have since been able to verify that the records previously supplied to EPA were destroyed pursuant to Amtrak document retention policies and procedures.
 - a. See attached policies ADMIN 3, ADMIN 3.1, and Records Retention Schedule. N.B.: under the Records Retention Schedule, this transaction would be considered a "Non-NECIP" related. NECIP, or the Northeast Corridor Improvement Project, was a federally-funded, multi-year capital project designed to bring the Northeast Corridor (the Amtrak owned railroad extending from Washington, DC to Boston) into good repair. NECIP-related expenditures were controlled by specific capital grant conditions, and were generally large scale capital projects such as rail and tie replacements and similar projects.
 - b. See section VI. B. of ADMIN 3.1
 - c. See attached Certificate of Records Destruction. Note that the dates of the records destroyed pursuant to this certificate do not match the date of the purchase order relating to the Amtrak/Metro Container transaction. However, Amtrak believes the document in question was destroyed for the following reasons: The document was ripe for destruction under corporate policies; we have verified that there was a large purge of similar documents at the time of this particular destruction targeting all Procurement documents that were eligible for destruction pursuant to company policies; the numbers used on the shipping documents are not

- d. reused by the company, thereby confirming that the document in question (which is numerically included in the listing of the documents destroyed) was part of that sequence that was purged.
- e. Amtrak provided the documents in question to EPA on April 27 and May 24, 1988.
- f. Person who would have produced the documents:

Bob Noonan - retired
31215 Trinity Park Lane
Spring, Texas 77386-3066

Person responsible for the retention of the documents:

Joyce Dolan
Manager, Records Management
Amtrak
60 Mass. Ave., NE
Washington, DC 20002

Person responsible for the destruction of the documents:

Carol Keough
Lead Clerk – Procurement (title at the time of destruction)
Computer Tech (current title)
Amtrak Police
30th St. Station
Philadelphia, PA 19104

Please contact me at 215-349-6968 or at caldwec@amtrak.com with any questions.

Sincerely,



Craig M. Caldwell
Environmental Superintendent

cc: Michael Stern, Amtrak
Rich Mohlenhoff, Amtrak
Roy Deitchman, Amtrak

Record Schedule for Function: Procurement

Original Date Approved: July 21, 2004
Latest Revision Date: _____

ID #	Record Series Name Record Series Description Disposition Authorities	Retention Time
<u>PRC100</u>	<u>Purchase Orders</u> Records documenting purchases using purchase orders, blanket purchase orders, limited value agreement (LVA) releases, and other contract / agreement documentation. The files may include request for quote, purchase order, bid files, specifications and shipping documents.	(a) Non-NECIP related: Destroy six years after final payment. (b) NECIP related: Destroy in accordance with contract requirements.
<u>PRC101</u>	<u>Cancelled Solicitations</u> Formal solicitations of offer to provide products and services that are canceled prior to award of a contract. The files include presolicitation documentation on the requirements, documentation of action up to cancellation, evidence of cancellation as well as the Request for Proposal.	(a) Opened Bids: Destroy one year after date of cancellation. (b) Unopened Bids: Return to Bidder.

NATIONAL RAILROAD PASSENGER CORPORATION

RECORDS MANAGEMENT

Section: ADMIN-3

Latest Issue Date: Nov. 1, 1993

Issued By: 

C. F. Johnson

Approved By: 

N. W. Overton

SUBJECT

See page(s)

Introduction	2
Definitions	2
Objectives	3
Guidelines	3
Destruction	4
Approvals	4

Section: ADMIN-3
Latest Issue Date: Nov. 1, 1993
Page: 2 of 4

RECORDS MANAGEMENT

INTRODUCTION

Policy Statement

Company records will be indexed, stored, made accessible as needed, and ultimately destroyed (except for permanently retained, historical, or vital records) in a manner which facilitates operations and staff coordination in the most effective manner, and at reasonable costs.

Purpose

This procedure provides for the orderly management, indexing, storage, retrieval, and destruction of company records in accordance with business needs and applicable laws and federal and state regulations.

Scope

The information contained in this procedure pertains to all Amtrak departments and employees.

Responsibility

The Senior Director, Administrative Services, is responsible for interpretations, applications, administration, and approval of any variations of this procedure.

References

Code of Federal Regulations, Vol. 49, Section 1220
Paperwork Reduction Act, Public Law 96-511
Freedom of Information Act, 5 U.S.C. 552
Privacy Act, Public Law 93-579

DEFINITIONS

Records are defined as all written and recorded material developed or obtained by the corporation and its personnel in the course of their employment. This includes all paper records (e.g., studies and reports, memoranda, correspondence, forms etc.), engineering media, microforms, audio and visual media, machine readable data (e.g., computer stored data, printouts, cards, tapes, discs, etc.) and all graphics and related material.

Historical Records are documents and recorded material which would facilitate the reconstruction of the history of the formation, funding, management, operations, policy and goals of Amtrak if needed in the future.

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RECORDS MANAGEMENT

Vital Records are defined as all recorded information that is necessary to resume or continue operations after a natural or man-made disaster. Such records protect the legal and financial status of the company, and the rights of employees and customers.

OBJECTIVES

Adhere to federal and state mandated record retention requirements.

Insure vital and historical document safety and preservation.

Reduce costs associated with filing, storing and retrieving recorded information.

Maintain file integrity through the use of standardized file practices.

Coordinate and monitor the use of records storage centers and services at all locations. (Standard procedures for storing records at off-site records centers available from Records Management, 400 N. Capitol St., N.W., Washington, D. C. 20001.)

GUIDELINES

In the interest of cost efficiency, records will be maintained and stored in the least expensive manner which allows for accessibility based on business needs. This will be accomplished by controlled storage of appropriate paper records or conversion to microform or other electronically captured media.

Analysis, implementation, and utilization of high density filing systems and supplies are to be coordinated through the Records Management office.

Departments should have designated personnel trained in records management policies to insure compliance with these policies in a timely and cost effective manner. The Records Management office will train and assist those persons who are designated "coordinators" in their departments.

All records are company property. Upon termination of employment, an employee may not remove official records from the premises. These records should be retained by the employee's department until a determination can be made of their value.

Section: ADMIN-3
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RECORDS MANAGEMENT

DESTRUCTION

Records will be destroyed by the department designated "office of record" when the approved retention period has expired. Retention of records beyond the approved retention period is only permitted when the records are needed for an audit, investigation or litigation, and requires the approval of the office of Records Management. Offices holding "informational" copies of records may destroy them prior to the assigned retention period, but may not hold them longer than the assigned period.

See ADMIN3.1 for specific retention scheduling and destruction procedures.

APPROVALS

No official record may be destroyed without first securing the approval of the Records Management office.

Recording and display equipment or outside services for reduction of records to a form for improved handling and storage, such as microform, may be purchased only with the prior approval of the Director, Graphics and Records Management.

Use of commercial records storage centers and services must be approved by the Director, Graphics and Records Management.

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PROCEDURES MANUAL

SECTION: ADMIN-3.1
PAGE: 1 of 5
ISSUE DATE: Feb. 15, 1984
ISSUED BY: J. M. Clarke
APPROVED BY: D. R. Brazier

SUBJECT: RECORDS RETENTION AND DESTRUCTION

I. PURPOSE

To provide an up-to-date Records Retention Schedule for all records in accordance with administrative needs and applicable laws, regulations and historical requirements. After fulfilling administrative requirements, only those records required by law or by operating need should be retained and stored. All others shall be disposed of by destruction or transfer to historical archives, as appropriate.

II. COVERAGE

All personnel.

III. REFERENCE

Code of Federal Regulations, Vol. 49, Section 1220; Paperwork Reduction Act, Public Law 96-511; Freedom of Information Act, 5 U.S.C. 552; and the Privacy Act, Public Law 93-579.

IV. DEFINITIONS

Records are defined as all written and recorded material developed or obtained by the corporation and its personnel in the course of their employment. This includes all paper records (e.g., studies and reports, memoranda, correspondence, forms, etc.), engineering media, microforms, audio and visual media, machine readable data (e.g., computer stored data, printouts, cards, tapes, discs, etc.) and all graphic and related material.

Historical Records are all those records which would enable the history of the formation, funding, management, operations, policy and goals of Amtrak to be reconstructed in the future.

Vital Records are defined as all recorded information that is necessary to resume or continue operations after a natural or man-made disaster. They protect the legal and financial status of the company, as well as protect the equity of stockholders and the rights of employees and customers.

V. RECORDS RETENTION POLICY

It is Amtrak policy to insure proper compliance with referenced regulations and law. This will be accomplished by systematic disposal

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practices as prescribed by published records retention schedules and by sound records management practices. Even when regulations are vague or unclear, the company will attempt to comply with the intent of such regulations.

A. Records Retention Schedule Policy

1. Amtrak's records retention scheduling process primarily uses the Code of Federal Regulations to denote minimum periods of time that records are retained. Appropriate offices such as the Law Department, Internal Audit, Tax and Insurance, Contract and Joint Facility Audit and the requesting department, evaluate retention periods to ensure that records are maintained according to regulations and our own business requirements.
2. The retention policy governing each record series defines several requirements.
 - a. It designates the "Office of Record." Whichever office keeps the official company record, considered such either because of its completeness and/or location, is designated the "Office of Record."
 - 1) The office or department of origin is most often designated as the "Office of Record."
 - 2) All other offices retaining the same record should do so only for administrative purposes and may destroy such duplicate records at their discretion.
 - b. How long records will be maintained in the office environment before being retired to a Records Storage Center.
 - c. Total length of time the records need to be kept before they can be destroyed.
 - d. If the records are considered historical, vital, and/or needing permanent retention they will be so designated.

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B. Records Retention Scheduling Procedure

1. Requester should complete all information required in the unshaded areas on Forms NRPC-1865 (1/83) and 1865A (1/83), Records Retention Schedule Request and Continuation (Exhibit A).
 - a. Up-to-date Interstate Commerce Commission (ICC) retention periods available from Manager, Records Management, corporate headquarters.
 - b. The completed request should be forwarded to Records Management, corporate headquarters.
2. After receipt Records Management is responsible for evaluating and approving a retention period for each record series with the cooperation and approval of the requesting department, Law Department, Internal Audit, Contract and Joint Facility Audit, Tax and Insurance, and any other affected departments.
3. Records Management will incorporate the assigned record retention periods into the company Records Retention Schedule. The up-to-date Records Retention Schedule will be maintained by Records Management.
 - a. Applicable retention policy governing specific department records will be made available by Records Management.
 - b. Inquiries regarding retention requirements for any records should be directed to Records Management, corporate headquarters.

C. Other Retention Considerations

1. Each department, for the records it maintains, is responsible for requesting a retention period for any new record series that has not been assigned a retention period by the Records Management Department.
2. Furthermore, after any consultation with the Law Department, Tax and Insurance and/or Internal or Contract and Joint Facility Audit Departments, each department is obligated to advise Records Management if the retention period assigned to

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specific records it maintains is temporarily inadequate due to impending audits and/or litigation.

VI. RECORDS DESTRUCTION POLICY

A. Only after an approved Records Schedule is issued can official records be authorized for destruction.

1. No official company record may be destroyed without first securing the approval of the Manager, Records Management.
2. After approval records may be destroyed in any manner the company so elects, but precaution should be taken to shred or otherwise destroy the legibility of any records, the content of which is forbidden by law to be divulged to unauthorized persons.

B. Records Destruction Procedure

1. Requester should complete all information required on Forms NRPC-1864 (1/83) and NRPC-1864A (1/83), Authorization for Destruction of Records and Continuation (Exhibit B). The completed request should be forwarded to Records Management, corporate headquarters.
2. After approval has been secured, the original and second copy will be routed back to requester.
3. After receipt of "authorization" the requester will be responsible for disposing of the records that have been approved for destruction.
4. After the records have been destroyed, complete the portion of the request marked "Certificate of Destruction" and return all original pages of the request to Records Management, corporate headquarters.

C. Other Destruction Considerations

1. Accidental Destruction of Records

- a. When records are destroyed or lost before the expiration of the prescribed retention periods, a statement should be

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prepared listing as accurately as possible the records destroyed or lost and describing the circumstances under which they were destroyed or lost. This statement should be forwarded to the Manager, Records Management, corporate headquarters.

2. Destruction of Microformed Records

- a. If approval from the Manager, Records Management, has been granted for the destruction of specific original paper records in connection with their reproduction on microform media, and that reproduction has taken place, those original paper records may be destroyed without further formality under this procedure.

VII. ADMINISTRATION

The Manager, Records Management, Administration Department will be responsible for the interpretation, application and approval of variances from this policy.



FILE NO.	
PAGE	1 OF 1
PHONE	383-2221
DATE	11/29/82

[illegible]

APPROVALS

Requesting Department	Date	Law Department	Date	Internal Audit	Date	Contract & Joint Facility Audit	Date
Tax and Insurance	Date	Corporate Secretary	Date	Records Management	Date		

[illegible]

CERTIFICATE OF DESTRUCTION

I hereby certify that I have this day destroyed the records described within this request in accordance with Amtrak's record retention policy.

**Destruction Done By
Method of Destruction**

☐ Amtrak
☐ Burn
☐ Trash

☐ Destruction Firm☐ Shred☐ Landfill

Eraser

☐ Trash☐ Recycle☐ Other**Total Cubic Feet Destroyed**

Amtrak Authority

Date _____

Name of Destruction Firm

Firm Authority

Date _____

**NOTE: After completion, return all original pages of this request to:
Manager, Records Management
Corporate Headquarters
400 North Capitol Street, N.W.
Washington, D.C. 20001**

NOTE: For additional pages use Form NRPC 1864A

DISTRIBUTION: Requestor - **GOLD** Keep after initially completing form
- **YELLOW** Keep after returning originals with signed certificate to Records Management

09-092



Certificate of Destruction must not be signed until after all listed records have been destroyed.

Antrak is a registered service mark of the National Railroad Passenger Corporation.